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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK

3 UNITED STATES OF AMERICA

4 v.

22 CR 560 (CS)

5 CONFERENCE

6 FRANK BUTSELAAR,

7 Defendant.

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9 United States Courthouse
10 White Plains, N.Y.
11 October 13, 2023
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15 Before: THE HONORABLE CATHY SEIBEL, District Judge
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18 APPEARANCES

19 DAMIAN WILLIAMS

20 United States Attorney for the
21 Southern District of New York

22 NICHOLAS BRADLEY

23 Assistant United States Attorney

24 JOHN CARMAN

25 Attorney for Defendant

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1 THE DEPUTY CLERK: The Honorable Cathy Seibel.

2 United States v. Butselaar.

3 THE COURT: Good morning, Mr. Bradley, Mr. Carman,
4 Mr. Butselaar. Everyone can have a seat.

5 I guess this was wheeled out to me last week. Is
6 that correct, Mr. Bradley.

7 MR. BRADLEY: October 2nd, your Honor.

8 THE COURT: All right. What are your plans
9 discovery-wise?

10 MR. BRADLEY: Thank you, your Honor.

11 Just for background, the defendant was extradited
12 from Italy. He was presented before Judge Reznik on October
13 2nd and the case was, of course, assigned to you.

14 In terms of discovery, as we mentioned at the
15 arraignment and the presentment and as I've discussed with
16 Mr. Carman, it is very substantial. It consists almost
17 exclusively of electronic evidence, mostly e-mails, tax reports
18 and records, various spreadsheets and financial records as
19 well. In terms of our database, electronic database, there's
20 approximately 400,000 documents in that and then a significant
21 volume of subpoena returns as well.

22 We are in the process of preparing that to be
23 exported into a hard drive and also organized for Mr. Carman.
24 I expect -- and I just spoke to Mr. Carman about this, I expect
25 that we will be in a position to begin producing that in

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1 approximately four weeks on a rolling basis. And we've also
2 had some initial discussions about the review of that
3 discovery, how we can help Mr. Carman go through that and make
4 sure he can identify the key, most significant parts of that
5 discovery.

6 In terms of a path forward, I think we would
7 respectfully propose -- I think that the Court should set a
8 date for another conference in approximately 60 days and we can
9 report to the Court on the status of the discovery productions
10 and where we might road map the case from here.

11 THE COURT: What do you think, Mr. Carman?

12 MR. CARMAN: That sounds about right, your Honor.

13 THE COURT: All right. Let's see what Mr. Clark can
14 find.

15 Are you able to produce all of this to the jail?

16 MR. BRADLEY: We should be able to, your Honor. I do
17 want to make sure we fully understand those capabilities. I
18 think, as an initial matter, we will get those materials over
19 to Mr. Carman. The e-mail database, that's something that I
20 think we'll have to scope out a little bit in terms of how that
21 can be reviewed at the jail, but we'll certainly work
22 expeditiously.

23 THE COURT: I think it can be a challenge because
24 they don't have the most powerful, up-to-date computers in the
25 jails.

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1 MR. CARMAN: That's an understatement.

2 THE COURT: And I'm sure, Mr. Bradley, you will
3 assist Mr. Carman by flagging what you think is the most
4 relevant evidence, but, obviously, he'll make his own decisions
5 on that.

6 Let's see what Mr. Clark came up with.

7 THE DEPUTY CLERK: Yes, Judge. December 19th, 2023
8 at 2:30 p.m.

9 THE COURT: Does that work for both sides?

10 MR. BRADLEY: It works for the government, your
11 Honor.

12 MR. CARMAN: Yes.

13 THE COURT: All right.

14 I'm going to exclude the time between now and then
15 under the Speedy Trial Act in the interests of justice. I find
16 the ends of justice served by the exclusion outweigh the best
17 interests of the public and the defendant in a speedy trial
18 because it will enable Mr. Butselaar and his lawyer to review a
19 large volume of discovery and figure out their next steps.

20 Anything else we should do this morning?

21 MR. BRADLEY: Not from government, your Honor.

22 MR. CARMAN: No, your Honor. Thank you.

23 THE COURT: All right. Thank you. See you in a
24 couple of months.

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